

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	NO. 13-622
JEREL JACKSON	:	

**ORDER**

AND NOW, this 17<sup>th</sup> day of March, 2015, it is ORDERED that this Court's bench ruling on March 16<sup>th</sup>, 2015 regarding the government's Motion in Limine to Exclude Juvenile Adjudications of Person #5 (Doc. No. 39) is hereby VACATED.

It is further ORDERED that upon this Court's *sua sponte* review<sup>1</sup> of said matter subsequent to a hearing on same just hours prior, this Court determined that its ruling constituted

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<sup>1</sup> See *Marsden v. Select Med. Corp.*, Civ. No. 04-4020, 2007 U.S. Dist. LEXIS 9893, at \*3-4 (E.D. Pa. Feb. 6, 2007) (“[S]o long as [this Court] has jurisdiction over [a] case, it possesses inherent power over interlocutory orders, and can reconsider them when it is consonant with justice to do so.”) (internal quotation marks and citation omitted). A ruling on a Motion in Limine is deemed interlocutory. See *United States v. Fleet Mgmt.*, 332 F. App'x 753, 754 (3d Cir. 2009) (motion in limine to exclude expert report and testimony deemed interlocutory for purposes of appeal); *Simon v. Weissmann*, 301 F. App'x 107, 109 (3d Cir. 2008) (assessing district court's ruling regarding motion in limine on interlocutory basis); *United States v. Bowley*, 435 F.3d 426, 427 (3d Cir. 2006) (Order by district court to exclude evidence in a criminal matter deemed interlocutory).

a clear error of law.<sup>2</sup> Accordingly, the government's Motion in Limine to Exclude Juvenile Adjudications of Person #5 (Doc. No. 39) is hereby GRANTED.<sup>3</sup>

BY THE COURT:

/s/ C. Darnell Jones, II

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C. Darnell Jones, II J.

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<sup>2</sup> This Court notes that subsequent to its determination that it had made an erroneous ruling but prior to entry of the instant Order, the government faxed a written submission to Chambers in an effort to bring the error to the court's attention. Counsel for Defendant was copied on the correspondence.

<sup>3</sup> The prior adjudications for which the government sought exclusion involved conspiracies to commit robberies. Because these offenses do not constitute crimes involving a dishonest act or false statement, the juvenile's adjudications are not admissible under Fed.R.Evid. 609 to attack her character for truthfulness. *See Walker v. Horn*, 385 F.3d 321, 334 (3d Cir. 2004) ("[W]e readily conclude that, although robbery is certainly a very serious crime, it does not involve communicative or expressive dishonesty. Therefore, the district court erred by holding that robbery is a crime involving dishonesty that is automatically admissible under Rule 609(a)(2).").